

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SHAUNTEZ K. ROCKEMORE,

Plaintiff,

v.

A. VASQUEZ, et al.,

Defendants.

No. 1:21-cv-01339 GSA (PC)

ORDER GRANTING PLAINTIFF'S
REQUEST TO EXTEND DISCOVERY AND
DISPOSITIVE MOTION DEADLINES

(ECF No. 34)

DISCOVERY AND MOTION TO COMPEL
DEADLINES EXTENDED TO **MARCH 4,**
2024

DISPOSITIVE MOTION DEADLINE
EXTENDED TO **MAY 2, 2024**

Plaintiff, a state prisoner proceeding pro se and in forma pauperis, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

Before this Court is Plaintiff's motion to extend the close of discovery and dispositive motion deadlines by thirty days. ECF No. 34 at 3. Defendants have filed a statement of non-opposition to Plaintiff's motion. ECF No. 36. For the reasons stated below, the motion will be granted.

I. REQUEST TO EXTEND DISCOVERY AND DISPOSITIVE MOTION DEADLINES

A. Plaintiff's Motion

Currently, discovery is scheduled to end and motions to compel are due on February 2, 2024, and the parties' dispositive motions are to be filed by April 2, 2024. See ECF No. 24 at 4 (discovery and scheduling order). In support of the motion to extend the discovery and dispositive motion deadlines, Plaintiff states that he anticipates being transferred to a different institution. See ECF No. 34 at 3. As a result, Plaintiff anticipates several disruptions and delays will occur in these proceedings, including, but not limited to, ones related to discovery, motions to compel, and dispositive motions. See id. at 4. Plaintiff also states that he has been placed on a two to three-week orientation, and he anticipates being locked in his cell for twenty-four hours a day until he completes it. Id. Finally, Plaintiff states that currently he has no direct access to legal authorities and case law, and he has no access to the prison law library's resources and will not until he completes the orientation. ECF No. 34 at 4-5.

B. Defendants' Statement of Non-Opposition

Defendants do not oppose Plaintiff's motion for an extension of time. They state that they too need additional time to coordinate with Plaintiff's new housing institution so that they may take his deposition. ECF No. 36 at 1. Defendants however state that they neither concede to nor comment on the factual bases Plaintiff has alleged in support of his request. Id. To the extent that the deadline to complete discovery is extended up to and including March 4, 2024, and the dispositive motion deadline is extended to May 2, 2024, Defendants state that they do not oppose Plaintiff's motion.

II. DISCUSSION

Plaintiff has stated good cause to support a grant of the motion to extend the discovery and dispositive motion deadline dates. To date, Plaintiff has diligently prosecuted this case and his transfer to a different institution supports a finding that the motion has not been made to thwart or delay these proceedings. The fact that Defendants do not oppose Plaintiff's

1 motion and will also benefit from an extension of the deadlines further supports a grant of the
2 motion. Therefore, the discovery and dispositive motions will be extended by thirty days.

3 Accordingly, IT IS HEREBY ORDERED that:

4 1. Plaintiff's motion to extend the discovery and dispositive motion deadline dates (ECF
5 No. 34) is GRANTED;

6 2. The date for the close of discovery and motions to compel is EXTENDED from
7 February 2, 2024, to **March 4, 2024**, and

8 3. The due date for dispositive motions is EXTENDED from April 2, 2024, to **May 2,**
9 **2024.**

10 **All other directives in the discovery and scheduling order issued August 2, 2023**
11 **(ECF No. 24) are to remain in full force and effect.**

12
13 IT IS SO ORDERED.

14 Dated: **January 24, 2024**

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE